

116TH CONGRESS
1ST SESSION

S. _____

To amend the Immigration and Nationality Act to address the protective custody of alien children accompanied by parents, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CORNYN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Immigration and Nationality Act to address the protective custody of alien children accompanied by parents, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLES.**

4 This Act may be cited as the “Humanitarian Up-
5 grades to Manage and Assist our Nation’s Enforcement
6 Act of 2019” or the “HUMANE Act of 2019”.

7 **SEC. 2. FAMILY UNIFICATION.**

8 (a) IN GENERAL.—Section 235 of the Immigration
9 and Nationality Act (8 U.S.C. 1225) is amended by add-
10 ing at the end the following:

1 “(e) PROTECTIVE CUSTODY OF ARRIVING ALIEN
2 CHILDREN ACCOMPANIED BY PARENTS.—

3 “(1) IN GENERAL.—Notwithstanding any other
4 provision of law, including section 3142 of title 18,
5 United States Code, any judicial determination (in-
6 cluding any judicial determination made in *Flores v.*
7 *Sessions et. al.*, (9th Cir. July 5, 2017; C.D. CA.
8 July 24, 2015)), consent decree, or settlement agree-
9 ment issued before the date of enactment of the
10 HUMANE Act of 2019, and section 236.3 of title
11 8, Code of Federal Regulations (or a successor regu-
12 lation), the Secretary of Homeland Security is not
13 required to implement the terms of the stipulated
14 settlement agreement filed on January 17, 1997, in
15 the United States District Court for the Central
16 District of California in *Flores v. Reno*, CV 85–
17 4544–RJK, (commonly known as the “*Flores settle-*
18 *ment agreement*”), and may not use any Federal
19 Funds to implement such agreement, with respect to
20 an alien child who is younger than 18 years of age
21 if such child is accompanied by a parent or legal
22 guardian.

23 “(2) FAMILY RESIDENTIAL CENTERS.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), the Secretary of Homeland

1 Security shall house any alien child described in
2 paragraph (1) who is unlawfully present in the
3 United States together with the parent of such
4 child in a family residential center or a regional
5 processing center maintained by the Secretary
6 of Homeland Security during the pendency of
7 civil or criminal proceedings.

8 “(B) EXCEPTION.—The Secretary of
9 Homeland Security may not temporarily house
10 an alien child referred to in subparagraph (A)
11 in the manner described in such subparagraph
12 if the Secretary—

13 “(i) is unable to verify that an indi-
14 vidual accompanying the alien child is the
15 parent of the alien child;

16 “(ii) determines that the accom-
17 panying parent of the alien child—

18 “(I) has a violent criminal his-
19 tory; or

20 “(II) has committed or been con-
21 victed of—

22 “(aa) an aggravated felony;

23 “(bb) a crime involving the
24 attempted use of physical force

1 or the threatened use of a deadly
2 weapon;

3 “(cc) an assault resulting in
4 bodily injury (as defined in sec-
5 tion 2266 of title 18, United
6 States Code); or

7 “(dd) an offense described
8 in section 212(a)(2) or
9 237(a)(2);

10 “(iii) determines that the alien child
11 has been a victim of domestic abuse or sex-
12 ual abuse; or

13 “(iv) the alien child is—

14 “(I) a victim of trafficking;

15 “(II) at risk of becoming a victim
16 of trafficking;

17 “(III) in danger of abuse or ne-
18 glect at the hands of the accom-
19 panying parent of the alien child; or

20 “(IV) a danger to himself or her-
21 self or to others.

22 “(C) CONDITIONS FOR CUSTODY.—The
23 Secretary of Homeland Security shall ensure
24 that—

1 “(i) each family residential facility or
2 regional processing center, as applicable, is
3 secure and safe; and

4 “(ii) each alien child and each accom-
5 panying parent at a family residential fa-
6 cility or regional processing center—

7 “(I) has suitable living accom-
8 modations;

9 “(II) has access to drinking
10 water and food;

11 “(III) has timely access to med-
12 ical assistance, including mental
13 health assistance;

14 “(IV) has access to recreational
15 facilities, educational services, enter-
16 tainment options, clothing, family visi-
17 tation, and legal counsel (to the great-
18 est extent practicable in accordance
19 with section 292);

20 “(V) has access to any other
21 service necessary for the adequate
22 care of a minor child.

23 “(3) PROTECTIVE CUSTODY OF ACCOMPANIED
24 ALIEN CHILDREN INELIGIBLE FOR HOUSING IN A
25 FAMILY RESIDENTIAL CENTER.—If an alien child de-

1 scribed in paragraph (1) may not be housed with the
2 accompanying parent of the alien child in a family
3 residential center or regional processing center in ac-
4 cordance with paragraph (2)(A), the child shall be
5 treated as an unaccompanied alien child under the
6 William Wilberforce Trafficking Victims Protection
7 Reauthorization Act of 2008 (8 U.S.C. 1232 et
8 seq.).

9 “(4) PRIORITIZATION OF ACCOMPANIED MINOR
10 AND FAMILY UNIT PROCEEDINGS.—To the maximum
11 extent practicable, the Secretary of Homeland Secu-
12 rity and the Attorney General shall prioritize civil
13 and criminal proceedings and decisions on requests
14 for relief from removal of accompanied alien children
15 and families who are in custody under this sub-
16 section.”.

17 (b) APPLICABILITY.—The amendments made by this
18 Act shall apply regardless of the date of the occurrence
19 of an action giving rise to the admissibility or custody of
20 the accompanied child or parent.

21 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion, or in the amendments made by this section, may be
23 construed as terminating the settlement agreement filed
24 on January 17, 1997, in the United States District Court
25 for the Central District of California in Flores v. Reno,

1 CV 85–4544–RJK, (commonly known as the “Flores set-
2 tlement agreement”) with respect to an unaccompanied
3 alien child (as defined in section 462(g)(2) of the Home-
4 land Security Act of 2002 (6 U.S.C. 279(g)(2))).

5 **SEC. 3. REPATRIATION OF UNACCOMPANIED ALIEN CHIL-**
6 **DREN.**

7 (a) IN GENERAL.—Section 235(a) of the William
8 Wilberforce Trafficking Victims Protection Reauthoriza-
9 tion Act of 2008 (8 U.S.C. 1232(a)) is amended—

10 (1) in paragraph (2)—

11 (A) by amending the paragraph heading to
12 read as follows: “RULES FOR UNACCOMPANIED
13 ALIEN CHILDREN.—”;

14 (B) in subparagraph (A), in the matter
15 preceding clause (i), by striking “who is a na-
16 tional or habitual resident of a country that is
17 contiguous with the United States shall be
18 treated in accordance with subparagraph (B)”
19 and inserting “shall be treated in accordance
20 with subparagraph (B) or subsection (b), as ap-
21 propriate”; and

22 (C) in subparagraph (C)—

23 (i) by amending the subparagraph
24 heading to read as follows: “AGREEMENTS
25 WITH FOREIGN COUNTRIES.—”; and

1 (ii) in the matter preceding clause (i),
2 by inserting “and any other foreign coun-
3 try that the Secretary determines to be ap-
4 propriate” after “countries contiguous to
5 the United States”;

6 (2) by redesignating paragraphs (3), (4), and
7 (5) as paragraphs (4), (5), and (6), respectively; and
8 (3) inserting after paragraph (2) the following:

9 “(3) MANDATORY EXPEDITED REMOVAL OF
10 CRIMINALS AND GANG MEMBERS.—Notwithstanding
11 any other provision of law, the Secretary of Home-
12 land Security shall place an unaccompanied alien
13 child in a proceeding in accordance with section 235
14 of the Immigration and Nationality Act (8 U.S.C.
15 1225) if, the Secretary determines or has reason to
16 believe that the alien—

17 “(A) has been convicted of any offense car-
18 rying a maximum term of imprisonment of
19 more than 180 days;

20 “(B) has been convicted of, or found to be
21 a juvenile offender based on, an offense that in-
22 volved—

23 “(i) the use or attempted use of phys-
24 ical force, or threatened use of a deadly
25 weapon;

1 “(ii) the purchase, sale, offering for
2 sale, exchange, use, ownership, possession,
3 or carrying, or, of attempting or conspiring
4 to purchase, sell, offer for sale, exchange,
5 use, own, possess, or carry, any weapon,
6 part, or accessory which is a firearm or de-
7 structive device (as defined in section
8 921(a) of title 18, United States Code) in
9 violation of any law;

10 “(iii) child abuse and neglect (as de-
11 fined in section 40002(a)(3) of the Vio-
12 lence Against Women Act of 1994 (34
13 U.S.C. 12291(a)(3)));

14 “(iv) assault resulting in bodily injury
15 (as defined in section 2266 of title 18,
16 United States Code);

17 “(v) the violation of a protection order
18 (as defined in section 2266 of title 18,
19 United States Code);

20 “(vi) driving while intoxicated or driv-
21 ing under the influence (as such terms are
22 defined in section 164 of title 23, United
23 States Code); or

24 “(vii) any offense under foreign law
25 (except a purely political offense) that, if

1 the offense had been committed in the
2 United States, would render the alien inad-
3 missible under section 212(a) of the Immi-
4 gration and Nationality Act (8 U.S.C.
5 1182(a));

6 “(C) has been convicted of, or found to be
7 a juvenile offender based on, more than 1 crimi-
8 nal offense (other than minor traffic offenses);

9 “(D) has been convicted of, or found to be
10 a juvenile offender based on a crime of violence
11 or an offense under Federal, State, or Tribal
12 law, that has, as an element, the use or at-
13 tempted use of physical force or the threatened
14 use of physical force or a deadly weapon;

15 “(E) has engaged in, is engaged in, or is
16 likely to engage after entry in any terrorist ac-
17 tivity (as defined in section 212(a)(3)(B)(iii) of
18 the Immigration and Nationality Act (8 U.S.C.
19 1182(a)(3)(B)(iii))), or intends to participate or
20 has participated in the activities of a foreign
21 terrorist organization (as designated under sec-
22 tion 219 of the Immigration and Nationality
23 Act (8 U.S.C. 1189));

24 “(F) has engaged in, is engaged in, or any
25 time after a prior admission engages in activity

1 described in section 237(a)(4) of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1227(a)(4));

3 “(G) is or was a member of a criminal
4 gang (as defined in section 101(a)(53) of the
5 Immigration and Nationality Act (8 U.S.C.
6 1101(a)(53)));

7 “(H) provided materially false, fictitious,
8 or fraudulent information regarding age or
9 identity to the United States Government with
10 the intent to inaccurately classified as an unac-
11 companied alien child; or

12 “(I) has entered the United States more
13 than once in violation of section 275(a) of the
14 Immigration and Nationality Act (8 U.S.C.
15 1325(a)), knowing that the entry was unlaw-
16 ful.”.

17 (b) PRIORITIZATION OF PROCEEDINGS.—The Sec-
18 retary of Homeland Security and the Attorney General
19 shall ensure that immigration proceedings and any claims
20 for relief, including asylum, for an unaccompanied minor
21 child are prioritized and expeditiously adjudicated.

1 **SEC. 4. CHILD WELFARE AND LAW ENFORCEMENT INFOR-**
2 **MATION SHARING.**

3 Section 235(b) of the William Wilberforce Trafficking
4 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
5 1232(b)) is amended by adding at the end the following:

6 “(5) INFORMATION SHARING.—

7 “(A) IMMIGRATION STATUS.—If the Sec-
8 retary of Health and Human Services considers
9 placing an unaccompanied alien child with a po-
10 tential sponsor, the Secretary of Homeland Se-
11 curity shall notify the Secretary of Health and
12 Human Services of the immigration status of
13 such potential sponsor before making such
14 placement.

15 “(B) OTHER INFORMATION.—The Sec-
16 retary of Health and Human Services, upon re-
17 quest, shall provide to the Secretary of Home-
18 land Security and the Attorney General any rel-
19 evant information relating to an unaccompanied
20 alien child who is, or has been, in the custody
21 of the Secretary of Health and Human Serv-
22 ices, including the location of such child and
23 any person to whom custody of the child has
24 been transferred, for any legitimate law enforce-
25 ment objective, including the enforcement of the
26 immigration laws.”.

1 **SEC. 5. ACCOUNTABILITY FOR CHILDREN AND TAXPAYERS.**

2 Section 235(b) of the William Wilberforce Trafficking
3 Victims Protection Reauthorization Act of 2008, as
4 amended by section 4, is further amended by adding at
5 the end the following:

6 “(6) INSPECTION OF FACILITIES.—The Inspec-
7 tor General of the Department of Health and
8 Human Services shall conduct regular inspections of
9 facilities utilized by the Secretary of Health and
10 Human Services to provide care and custody of un-
11 accompanied alien children who are in the immediate
12 custody of the Secretary to ensure that such facili-
13 ties are operated in the most efficient manner prac-
14 ticable.

15 “(7) FACILITY OPERATIONS COSTS.—The Sec-
16 retary of Health and Human Services shall ensure
17 that facilities utilized to provide care and custody of
18 unaccompanied alien children are operated efficiently
19 and at a rate of cost that is not greater than \$500
20 per day for each child housed or detained at such fa-
21 cility, unless the Secretary certifies that compliance
22 with this requirement is temporarily impossible due
23 to emergency circumstances.”.

1 **SEC. 6. CUSTODY OF UNACCOMPANIED ALIEN CHILDREN**
2 **IN FORMAL REMOVAL PROCEEDING.**

3 (a) IN GENERAL.—Section 235(c)(2) of the William
4 Wilberforce Trafficking Victims Protection Reauthoriza-
5 tion Act of 2008 (8 U.S.C. 1232(c)(2)) is amended by
6 adding at the end the following:

7 “(C) CHILDREN IN REMOVAL PRO-
8 CEEDINGS UNDER SECTION 240.—

9 “(i) LIMITATION ON PLACEMENT.—
10 Notwithstanding any settlement or consent
11 decree previously issued before the date of
12 the enactment of this subparagraph, sec-
13 tion 236.3 of title 8, Code of Federal Reg-
14 ulations, or a similar successor regulation,
15 an unaccompanied alien child who has been
16 placed in a proceeding under section 240
17 of the Immigration and Nationality Act (8
18 U.S.C. 1229a) may not be placed in the
19 custody of a nongovernmental sponsor or
20 otherwise released from the immediate cus-
21 tody of the United States Government un-
22 less—

23 “(I) the nongovernmental spon-
24 sor is a biological or adoptive parent
25 or legal guardian of the unaccom-
26 panied alien child;

1 “(II) the parent or legal guardian
2 is legally present in the United States
3 at the time of such placement;

4 “(III) the parent or legal guard-
5 ian has undergone a mandatory bio-
6 metric criminal history check;

7 “(IV) if the nongovernmental
8 sponsor is the biological parent, the
9 parent’s relationship to the alien child
10 has been verified through DNA test-
11 ing conducted by the Secretary of
12 Health and Human Services;

13 “(V) if the nongovernmental
14 sponsor is the adoptive parent, the
15 parent’s relationship to the alien child
16 has been verified with the judicial
17 court that issued the final legal adop-
18 tion decree by the Secretary of Health
19 and Human Services; and

20 “(VI) the Secretary of Health
21 and Human Services has determined
22 that the alien child is not a danger to
23 himself or herself, a danger to the
24 community, or a flight risk.

1 “(ii) EXCEPTIONS.—If the Secretary
2 of Health and Human Services determines
3 that an unaccompanied alien child is a vic-
4 tim of severe forms of trafficking in per-
5 sons (as defined in section 103 of the
6 Trafficking Victims Protection Act of 2000
7 (22 U.S.C. 7102)), a special needs child
8 with a disability (as defined in section 3 of
9 the Americans with Disabilities Act of
10 1990 (42 U.S.C. 12102)), a child who has
11 been a victim of physical or sexual abuse
12 under circumstances that indicate that the
13 child’s health or welfare has been signifi-
14 cantly harmed or threatened, or a child
15 with mental health needs that require on-
16 going assistance from a social welfare
17 agency, such child may be placed with a
18 grandparent or adult sibling if the grand-
19 parent or adult sibling meets the require-
20 ments for parents or legal guardians under
21 subclauses (II), (III), and (IV) of clause
22 (i).

23 “(iii) FAILURE TO APPEAR.—

24 “(I) CIVIL PENALTY.—Except as
25 provided in subclause (II), if an unac-

1 accompanied alien child who was placed
2 with a sponsor fails to appear in a
3 mandatory court appearance, the
4 sponsor shall be subject to a civil pen-
5 alty of \$250 per day until the alien
6 appears in court, up to a maximum
7 penalty of \$5,000.

8 “(II) BURDEN OF PROOF.—The
9 penalty under subclause (I) shall not
10 apply to a sponsor who—

11 “(aa) appears in person and
12 proves to the immigration court
13 that the failure to appear by the
14 unaccompanied alien child was
15 not the fault of the sponsor; and

16 “(bb) supplies the immigra-
17 tion court with documentary evi-
18 dence that supports the assertion
19 described in item (aa).

20 “(iv) PROHIBITION ON PLACEMENT
21 WITH SEX OFFENDERS AND HUMAN TRAF-
22 FICKERS.—The Secretary of Health and
23 Human Services may not place an unac-
24 companied alien child under this subpara-
25 graph in the custody of an individual who

1 has been convicted of, or the Secretary has
2 reason to believe was otherwise involved in
3 the commission of—

4 “(I) a sex offense (as defined in
5 section 111 of the Sex Offender Reg-
6 istration and Notification Act (34
7 U.S.C. 20911));

8 “(II) a crime involving severe
9 forms of trafficking in persons (as de-
10 fined in section 103 of the Trafficking
11 Victims Protection Act of 2000 (22
12 U.S.C. 7102)); or

13 “(III) an offense under Federal,
14 State, or tribal law that has, as an
15 element of the offense, the use or at-
16 tempted use of physical force or the
17 threatened use of physical force or a
18 deadly weapon.

19 “(v) REQUIREMENTS OF CRIMINAL
20 BACKGROUND CHECK.—Each biometric
21 criminal history check required under
22 clause (i)(III) shall be conducted using a
23 set of fingerprints or other biometric iden-
24 tifier through—

1 “(I) the Federal Bureau of Inves-
2 tigation;

3 “(II) criminal history repositories
4 of all States that the individual lists
5 as current or former residences; and

6 “(III) any other Federal or State
7 database or repository that the Sec-
8 retary of Health and Human Services
9 determines to be appropriate.”.

10 (b) HOME STUDIES AND FOLLOW-UP SERVICES FOR
11 UNACCOMPANIED ALIEN CHILDREN.—Section 235(c)(3)
12 of the William Wilberforce Trafficking Victims Protection
13 Reauthorization Act of 2008 (8 U.S.C. 1232(c)(3)) is
14 amended—

15 (1) by redesignating subparagraph (C) as sub-
16 paragraph (D); and

17 (2) by striking subparagraph (B) and inserting
18 the following:

19 “(B) HOME STUDIES.—

20 “(i) IN GENERAL.—Except as pro-
21 vided under clause (ii), the Secretary of
22 Health and Human Services shall deter-
23 mine whether a home study is necessary
24 before placing a child with an individual.

1 “(ii) REQUIRED HOME STUDIES.—A
2 home study shall be conducted for a
3 child—

4 “(I) who is a victim of a severe
5 form of trafficking in persons or is a
6 special needs child with a disability
7 (as defined in section 3 of the Ameri-
8 cans with Disabilities Act of 1990 (42
9 U.S.C. 12102);

10 “(II) who has been a victim of
11 physical or sexual abuse under cir-
12 cumstances that indicate that the
13 child’s health or welfare has been sig-
14 nificantly harmed or threatened;

15 “(III) whose proposed sponsor
16 presents a risk of abuse, maltreat-
17 ment, exploitation, or trafficking to
18 the child based on all available objec-
19 tive evidence) if more than 2 other
20 children are residing with the pro-
21 posed sponsor, or if such sponsor has
22 custody of at least 1 other unaccom-
23 panied alien child; or

24 “(IV) if more than 2 other chil-
25 dren are residing with the proposed

1 sponsor, or if such sponsor has cus-
2 tody of at least 1 other unaccom-
3 panied alien child.

4 “(C) FOLLOW-UP SERVICES AND ADDI-
5 TIONAL HOME STUDIES.—

6 “(i) PENDENCY OF REMOVAL PRO-
7 CEEDINGS.—Not less frequently than once
8 every 180 days until the date on which ini-
9 tial removal proceedings are completed and
10 the immigration judge issues an order of
11 removal, grants voluntary departure under
12 section 240B, or grants the alien relief
13 from removal, the Secretary of Health and
14 Human Services shall conduct follow-up
15 services for any child for whom a home
16 study was conducted and who was placed
17 with a nongovernmental sponsor.

18 “(ii) CHILDREN WITH MENTAL
19 HEALTH OR OTHER NEEDS.—Not less fre-
20 quently than once every 180 days, until the
21 date that is 2 years after the date on
22 which a child is placed with a nongovern-
23 mental sponsor, the Secretary of Health
24 and Human Services shall conduct follow-
25 up services for any child with mental

1 health needs or other needs who could ben-
2 efit from ongoing assistance from a social
3 welfare agency.

4 “(iii) CHILDREN AT RISK.—Not less
5 frequently than once every 90 days until
6 the date that is 2 years after the date on
7 which a child is placed with a nongovern-
8 mental sponsor, the Secretary of Health
9 and Human Services shall conduct home
10 studies and follow-up services, including
11 partnering with local community programs
12 that focus on early morning and after
13 school programs for at-risk children who—

14 “(I) need a secure environment
15 to engage in studying, training, and
16 skills-building programs; and

17 “(II) are at risk for recruitment
18 by criminal gangs or other
19 transnational criminal organizations
20 in the United States.”.

1 **SEC. 7. FRAUD IN CONNECTION WITH THE TRANSFER OF**
2 **CUSTODY OF UNACCOMPANIED ALIEN CHIL-**
3 **DREN.**

4 (a) IN GENERAL.—Chapter 47 of title 18, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 1041. Fraud in connection with the transfer of cus-**
8 **tody of unaccompanied alien children**

9 “(a) IN GENERAL.—It shall be unlawful for a person
10 to obtain custody of an unaccompanied alien child (as de-
11 fined in section 462(g) of the Homeland Security Act of
12 2002 (6 U.S.C. 279(g)))—

13 “(1) by making any materially false, fictitious,
14 or fraudulent statement or representation; or

15 “(2) by making or using any false writing or
16 document with the knowledge that such writing or
17 document contains any materially false, fictitious, or
18 fraudulent statement or entry.

19 “(b) PENALTIES.—

20 “(1) IN GENERAL.—Any person who violates, or
21 attempts or conspires to violate, subsection (a) shall
22 be fined under this title and imprisoned for not less
23 than 1 year.

24 “(2) ENHANCED PENALTY FOR TRAF-
25 FICKING.—If the primary purpose of a violation, at-
26 tempted violation, or conspiracy to violate this sec-

1 tion was to subject the child to sexually explicit ac-
2 tivity or any other form of exploitation, the offender
3 shall be fined under this title and imprisoned for not
4 less than 15 years.”.

5 (b) CLERICAL AMENDMENT.—The chapter analysis
6 for chapter 47 of title 18, United States Code, is amended
7 by adding at the end the following:

 “1041. Fraud in connection with the transfer of custody of unaccompanied alien
 children.”.

8 **SEC. 8. NOTIFICATION OF STATES AND FOREIGN GOVERN-**
9 **MENTS, REPORTING, AND MONITORING.**

10 Section 235 of the William Wilberforce Trafficking
11 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
12 1232), as amended by this Act, is further amended by
13 adding at the end the following:

14 “(k) NOTIFICATION TO STATES.—

15 “(1) BEFORE PLACEMENT.—The Secretary of
16 Homeland Security or the Secretary of Health and
17 Human Services shall notify the Governor of a State
18 not later than 48 hours before placing an unaccom-
19 panied alien child who is in the custody of such Sec-
20 retary into the care of a facility or sponsor in such
21 State.

22 “(2) INITIAL REPORTS.—Not later than 60
23 days after the date of the enactment of this sub-
24 section, the Secretary of Health and Human Serv-

1 ices shall submit a report to the Governor of each
2 State in which an unaccompanied alien child was
3 discharged to a sponsor or placed in a facility while
4 remaining in the legal custody of the Secretary dur-
5 ing the period beginning October 1, 2013, and end-
6 ing on the date of the enactment of this subsection.

7 “(3) MONTHLY REPORTS.—The Secretary of
8 Health and Human Services shall submit a monthly
9 report to the Governor of each State in which, dur-
10 ing the reporting period, an unaccompanied alien
11 child was discharged to a sponsor or placed in a fa-
12 cility while remaining in the legal custody of the
13 Secretary of Health and Human Services.

14 “(4) CONTENTS.—Each report required to be
15 submitted to the Governor of a State under para-
16 graph (2) or (3) shall identify the number of unac-
17 companied alien children placed in the State during
18 the reporting period, disaggregated by—

19 “(A) the locality in which the aliens were
20 placed; and

21 “(B) the age of such aliens.

22 “(1) NOTIFICATION OF FOREIGN COUNTRY.—The
23 Secretary of Homeland Security shall provide information
24 regarding each unaccompanied alien child to the govern-
25 ment of the country of which the child is a national to

1 assist such government with the identification and reunifi-
2 cation of such child with their parent or other qualifying
3 relative.

4 “(m) MONITORING REQUIREMENT.—The Secretary
5 of Health and Human Services shall—

6 “(1) require all sponsors to agree—

7 “(A) to receive approval from the Sec-
8 retary of Health and Human Services before
9 changing the location in which the sponsor is
10 housing an unaccompanied alien child placed in
11 the sponsor’s custody; and

12 “(B) to provide a current address for the
13 child and the reason for the change of address;

14 “(2) provide regular and frequent monitoring of
15 the physical and emotional well-being of each unac-
16 companied alien child who has been discharged to a
17 sponsor or remained in the legal custody of the Sec-
18 retary until the child’s immigration case is resolved;
19 and

20 “(3) not later than 60 days after the date of
21 the enactment of this subsection, submit a plan to
22 Congress for implementing the requirements under
23 paragraphs (1) and (2).”.

1 **SEC. 9. REPORTS TO CONGRESS.**

2 (a) REPORTS ON CARE OF UNACCOMPANIED ALIEN
3 CHILDREN.—Not later than September 30, 2020, the Sec-
4 retary of Health and Human Services shall submit to Con-
5 gress, and make publicly available, a report that in-
6 cludes—

7 (1) a detailed summary of the contracts in ef-
8 fect to care for and house unaccompanied alien chil-
9 dren, including the names and locations of contrac-
10 tors and the facilities being used;

11 (2) for each contractor and facility referred to
12 in paragraph (1), the cost per day to care for and
13 house an unaccompanied alien child, including an ex-
14 planation of such cost;

15 (3) the number of unaccompanied alien children
16 who have been released to a sponsor, if any;

17 (4) a list of the States to which unaccompanied
18 alien children have been released from the custody of
19 the Secretary of Health and Human Services to the
20 care of a sponsor or placement in a facility;

21 (5) the number of unaccompanied alien children
22 who have been released to a sponsor who is not law-
23 fully present in the United States, including the
24 country of nationality or last habitual residence and
25 age of such children;

1 (6) a determination of whether more than 1 un-
2 accompanied alien child has been released to the
3 same sponsor, including the number of children who
4 were released to such sponsor;

5 (7) an assessment of the extent to which the
6 Secretary of Health and Human Services is moni-
7 toring the release of unaccompanied alien children,
8 including home studies done and electronic moni-
9 toring devices used;

10 (8) an assessment of the extent to which the
11 Secretary of Health and Human Services is making
12 efforts—

13 (A) to educate unaccompanied alien chil-
14 dren about their legal rights; and

15 (B) to provide unaccompanied alien chil-
16 dren with access to pro bono counsel; and

17 (9) the extent of the public health issues of un-
18 accompanied alien children, including contagious dis-
19 eases, the benefits or medical services provided, and
20 the outreach to States and localities about public
21 health issues, that could affect the public.

22 (b) REPORTS ON REPATRIATION AGREEMENTS.—
23 Not later than September 30, 2020, the Secretary of State
24 shall submit to Congress, and make publicly available, a
25 report that—

1 (1) includes a copy of any repatriation agree-
2 ment in effect for unaccompanied alien children;

3 (2) describes any such repatriation agreement
4 that is being considered or negotiated; and

5 (3) describes the funding provided by the
6 United States Government to the 20 countries that
7 have the highest number of nationals entering the
8 United States as unaccompanied alien children, in-
9 cluding amounts provided—

10 (A) to deter the nationals of each country
11 from illegally entering the United States; and

12 (B) to care for or reintegrate repatriated
13 unaccompanied alien children in the country of
14 nationality or last habitual residence.

15 (c) REPORTS ON RETURNS TO COUNTRY OF NATION-
16 ALITY.—Not later than September 30, 2020, the Sec-
17 retary of Homeland Security shall submit to Congress,
18 and make publicly available, a report that identifies—

19 (1) the number of unaccompanied alien children
20 who have voluntarily returned to their country of na-
21 tionality or habitual residence, disaggregated by—

22 (A) country of nationality or habitual resi-
23 dence; and

24 (B) age of the unaccompanied alien chil-
25 dren;

1 (2) the number of unaccompanied alien children
2 who have been returned to their country of nation-
3 ality or habitual residence, including the length of
4 time such children were present in the United
5 States;

6 (3) the number of unaccompanied alien children
7 who have not been returned to their country of na-
8 tionality or habitual residence pending travel docu-
9 ments or other requirements from such country, in-
10 cluding how long they have been waiting to return;
11 and

12 (4) the number of unaccompanied alien children
13 who were granted relief in the United States, wheth-
14 er through asylum, any other immigration benefit or
15 status, or deferred action.

16 (d) REPORTS ON IMMIGRATION PROCEEDINGS.—Not
17 later than September 30, 2020, and not less frequently
18 than every 90 days thereafter, the Secretary of Homeland
19 Security, in coordination with the Director of the Execu-
20 tive Office for Immigration Review, shall submit to Con-
21 gress, and make publicly available, a report that identi-
22 fies—

23 (1) the number of unaccompanied alien children
24 who, after proceedings under section 235B of the
25 Immigration and Nationality Act (were returned to

1 their country of nationality or habitual residence,
2 disaggregated by—

3 (A) country of nationality or residence; and

4 (B) age and gender of such aliens;

5 (2) the number of unaccompanied alien children
6 who, after proceedings under section 235(b) of the
7 Immigration and Nationality Act (8 U.S.C.
8 1225(b)), prove a claim of admissibility and are
9 placed in proceedings under section 240 of that Act
10 (8 U.S.C. 1229a);

11 (3) the number of unaccompanied alien children
12 who fail to appear at a removal hearing that such
13 alien was required to attend;

14 (4) the number of sponsors who were levied a
15 penalty, including the amount and whether the pen-
16 alty was collected, for the failure of an unaccom-
17 panied alien child to appear at a removal hearing;
18 and

19 (5) the number of aliens that are classified as
20 unaccompanied alien children, the ages and coun-
21 tries of nationality of such children, and the orders
22 issued by the immigration judge at the conclusion of
23 proceedings under section 235(b) of the Immigration
24 and Nationality Act for such children.

1 **SEC. 10. ASYLUM PROCESSING.**

2 Section 208 of the Immigration and Nationality Act
3 (8 U.S.C. 1158(a)) is amended—

4 (1) in subsection (a), by striking “(whether or
5 not at a designated port of arrival and including an
6 alien who is brought to the United States after hav-
7 ing been interdicted in international or United
8 States waters),” and inserting “at a designated port
9 of entry (including an alien who is brought to the
10 United States after having been interdicted in inter-
11 national or United States waters),”; and

12 (2) in subsection (b)(2)(A)—

13 (A) in clause (v), by striking “or” at the
14 end;

15 (B) in clause (vi), by striking the period at
16 the end and inserting “; or” at the end; and

17 (C) by adding at the end the following:

18 “(vii) the alien arrived in the United
19 States anywhere other than at a des-
20 ignated port of entry.”.

21 **SEC. 11. BIOMETRIC AND DNA COLLECTION.**

22 (a) **COLLECTION OF BIOMETRIC INFORMATION.**—

23 The Commissioner of U.S. Customs and Border Protec-
24 tion shall verify parentage or other family relationships
25 of individuals apprehended along the border or at des-
26 ignated ports of entry, in accordance with section 411(c)

1 of the Homeland Security Act of 2002 (6 U.S.C. 211(c)),
2 by photographing and collecting biometric information
3 from all alien children apprehended by U.S. Customs and
4 Border Protection who were younger than 18 years of age
5 at the time of such apprehension.

6 (b) COLLECTION OF DNA SAMPLES.—

7 (1) IN GENERAL.—The Secretary of Homeland
8 Security or the Attorney General shall verify parent-
9 age or other family relationships of individuals ap-
10 prehended along the border or at designated ports of
11 entry, in accordance with section 3(a) of the DNA
12 Analysis Backlog Elimination Act of 2000 (34
13 U.S.C. 40702(a)), shall conduct DNA analysis from
14 all alien children younger than 18 years of age who
15 are in the custody of U.S. Customs and Border Pro-
16 tection or U.S. Immigration and Customs Enforce-
17 ment.

18 (2) RAPID DNA.—DNA analysis conducted
19 under paragraph (1) may be may be carried out with
20 Rapid DNA instruments (as defined in section
21 3(c)(3) of the DNA Analysis Backlog Elimination
22 Act of 2000 (34 U.S.C. 40702(c)(3)).

1 **SEC. 12. STANDARD OPERATING PROCEDURES; FACILITIES**
2 **STANDARDS.**

3 (a) STANDARD OPERATING PROCEDURES.—Section
4 411(k)(1) of the Homeland Security Act of 2002 (6
5 U.S.C. 211(k)) is amended—

6 (1) in subparagraph (D), by striking “and” at
7 the end;

8 (2) in subparagraph (E)(iv), by striking the pe-
9 riod at the end and inserting “; and”; and

10 (3) adding at the end the following:

11 “(F) standard operating procedures re-
12 garding the detection, interdiction, inspection,
13 processing, or transferring of alien children that
14 officers and agents of U.S. Customs and Border
15 Protection shall employ in the execution of their
16 duties.”.

17 (b) FACILITIES STANDARDS.—

18 (1) INITIAL REVIEW AND UPDATE.—Not later
19 than 270 days after the date of the enactment of
20 this Act, the Secretary of Homeland Security shall
21 review and update the regulations under part 115 of
22 title 6, Code of Federal Regulations, which set
23 standards to prevent, detect, and respond to sexual
24 abuse and assault in immigration detention facilities
25 and other holding facilities under the jurisdiction of
26 the Department of Homeland Security.

1 (2) QUADRENNIAL REVIEW.—The Secretary of
2 Homeland Security shall review and update the reg-
3 ulations referred to in paragraph (1) not less fre-
4 quently than once every 4 years.

5 **SEC. 13. REGIONAL PROCESSING CENTERS.**

6 Subtitle C of title IV of the Homeland Security Act
7 of 2002 (6 U.S.C. 231 et seq.) is amended by adding at
8 the end the following:

9 **“SEC. 437. REGIONAL PROCESSING CENTERS.**

10 “(a) IN GENERAL.—The Secretary shall establish at
11 least 4 regional processing centers located in high traffic
12 sectors of U.S. Border Patrol, as determined by the Sec-
13 retary, along the southern border land border of the
14 United States. All family units apprehended by U.S. Cus-
15 toms and Border Protection in such sectors shall be expe-
16 ditiously transported to the nearest regional processing
17 center.

18 “(b) PURPOSE.—The regional processing centers es-
19 tablished pursuant to subsection (a) shall carry out family
20 unit processing activities, including—

21 “(1) criminal history checks;

22 “(2) identity verification;

23 “(3) DNA analysis;

24 “(4) medical screenings;

1 “(5) asylum interviews and credible fear deter-
2 minations under section 235 of the Immigration and
3 Nationality Act (8 U.S.C. 1225); and

4 “(6) other activities prescribed by the Sec-
5 retary.

6 “(c) PERSONNEL AND LIVING CONDITIONS.—The re-
7 gional processing centers established pursuant to sub-
8 section (a) shall include—

9 “(1) personnel assigned from—

10 “(A) U.S. Customs and Border Protection;

11 “(B) U.S. Immigration and Customs En-
12 forcement;

13 “(C) the Federal Emergency Management
14 Agency;

15 “(D) U.S. Citizenship and Immigration
16 Services;

17 “(E) the Office of Refugee Resettlement of
18 the Department of Health and Human Services;
19 and

20 “(F) the Executive Office of Immigration
21 Review of the Department of Justice, including
22 immigration judges;

23 “(2) upon agreement with the Secretary of De-
24 fense, personnel from assigned from the Department
25 of Defense;

1 “(3) sufficient medical staff, including physi-
2 cians specializing in pediatric or family medicine,
3 nurse practitioners, and physician assistants;

4 “(4) licensed social workers;

5 “(5) mental health professionals; and

6 “(6) a sufficient number of detention beds to
7 detain all family units apprehended by U.S. Customs
8 and Border Protection in the sector of the U.S. Bor-
9 der Patrol in which such regional processing center
10 is located for not fewer than 20 days.

11 “(d) IMMIGRATION JUDGES.—During the 2-year pe-
12 riod beginning on the date of the enactment of this sec-
13 tion, the Attorney General shall assign not fewer than 2
14 immigration judges to each regional processing center es-
15 tablished under subsection (a) to expeditiously adjudicate
16 the immigration proceedings of family units detained at
17 such regional processing center.

18 “(e) CRIMINAL HISTORY CHECKS AND DNA ANAL-
19 YSIS.—

20 “(1) IN GENERAL.—Each biometric criminal
21 history check carried out under subsection (b)(1)
22 shall be conducted using a set of fingerprints or
23 other biometric identifier obtained from—

24 “(A) the Federal Bureau of Investigation;

1 “(B) the criminal history repositories of all
2 States that the individual listed as a current or
3 former residence; and

4 “(C) any other appropriate Federal or
5 State database or repository, as determined by
6 the Secretary of Health and Human Services.”.

7 “(2) USE OF RAPID DNA INSTRUMENTS.—DNA
8 analysis under subsection (b)(3) may be carried out
9 with Rapid DNA instruments.

10 “(f) EXCEPTIONS FOR ADDITIONAL PURPOSES.—
11 Subject to operational and spatial availability, in the event
12 of a major disaster or emergency declared under the Rob-
13 ert T. Stafford Disaster Relief and Emergency Assistance
14 Act (42 U.S.C. 5121 et seq.) or any homeland security
15 crisis requiring the establishment of a departmental Joint
16 Task Force under section 708(b), the Secretary may tem-
17 porarily utilize a regional processing center to carry out
18 operations relating to such declaration or crisis.

19 “(g) PRIVATE DONATIONS.—The Department of
20 Homeland Security may accept donations from the private
21 sector, nongovernmental organizations, and other groups
22 independent of the Federal Government for the care of
23 children and family units detained at a regional processing
24 center established under subsection (a), including—

25 “(1) medical goods and services;

1 “(2) school supplies;
2 “(3) toys;
3 “(4) clothing; and
4 “(5) any other items intended to promote the
5 well being of such children and family units.

6 “(h) DEFINITIONS.—In this section, the terms ‘DNA
7 analysis’, ‘DNA sample’, and ‘Rapid DNA instruments’
8 have the meanings given such terms under section 3(c)
9 of the DNA Analysis Backlog Elimination Act of 2000 (34
10 U.S.C. 40702(c)).”.

11 **SEC. 14. AUTHORIZATION TO HIRE ADDITIONAL U.S. CUS-**
12 **TOMS AND BORDER PROTECTION AND U.S.**
13 **IMMIGRATION AND CUSTOMS ENFORCEMENT**
14 **PERSONNEL.**

15 (a) OFFICERS.—The Commissioner of U.S. Customs
16 and Border Protection shall hire, train, and assign not
17 fewer than 600 new Office of Field Operations Officers
18 (above the current attrition level) during every fiscal year
19 until the total number of Office of Field Operations Offi-
20 cers equals and sustains the requirements identified each
21 year in the Workload Staffing Model.

22 (b) SUPPORT STAFF.—The Commissioner is author-
23 ized to hire, train, and assign support staff, including
24 technicians, to perform non-law enforcement administra-

1 tive functions to support the new Office of Field Oper-
2 ations officers hired pursuant to subsection (a).

3 (c) AGRICULTURE SPECIALISTS.—Not later than
4 September 30, 2021, the Secretary of Homeland Security
5 shall hire, train, and assign to duty 631 U.S. Customs
6 and Border Protection Agriculture Specialists to ports of
7 entry along the southern and northern borders of the
8 United States.

9 (d) TRAFFIC FORECASTS.—In calculating the num-
10 ber of Office of Field Operations Officers needed at each
11 port of entry through the Workload Staffing Model, the
12 Commissioner shall—

13 (1) rely on data collected regarding the inspec-
14 tions and other activities conducted at each such
15 port of entry; and

16 (2) consider volume from seasonal surges, other
17 projected changes in commercial and passenger vol-
18 umes, the most current commercial forecasts, and
19 other relevant information.

20 (e) GAO REPORT.—If the Commissioner does not
21 hire 600 additional Office of Field Operations officers pur-
22 suant to subsection (a) during fiscal year 2020, or during
23 any subsequent fiscal year in which the hiring require-
24 ments set forth in the Workload Staffing Model have not

1 been achieved, the Comptroller General of the United
2 States shall—

3 (1) conduct a review of U.S. Customs and Bor-
4 der Protection hiring practices to determine the rea-
5 sons that such requirements were not achieved and
6 other issues related to hiring by U.S. Customs and
7 Border Protection; and

8 (2) submit a report to the Committee on Home-
9 land Security and Governmental Affairs of the Sen-
10 ate and the Committee on Homeland Security of the
11 House of Representatives that describes the results
12 of the review conducted under paragraph (1).

13 (f) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
14 PERSONNEL INCREASES.—The Director of U.S. Immigra-
15 tion and Customs Enforcement shall hire, train, and as-
16 sign—

17 (1) not fewer than 1,000 new Enforcement and
18 Removal Operations Officers;

19 (2) not fewer than 665 Enforcement and Re-
20 moval Operations support personnel to address case
21 management responsibilities;

22 (3) not fewer than 128 attorneys in the Office
23 of the Principal Legal Advisor; and

24 (4) not fewer than 41 support staff within the
25 Office of the Principal Legal Advisor to assist immi-

1 gration judges within the Executive Office for Immi-
2 gration Review with removal, asylum, and custody
3 determination proceedings.

4 **SEC. 15. PORTS OF ENTRY INFRASTRUCTURE IMPROVE-**
5 **MENTS.**

6 (a) ADDITIONAL PORTS OF ENTRY.—

7 (1) AUTHORITY.—The Secretary of Homeland
8 Security may construct new ports of entry along the
9 northern and southern borders of the United States
10 at locations determined by the Secretary, after ap-
11 propriate consultations pursuant to paragraph (2).

12 (2) CONSULTATIONS.—

13 (A) REQUIREMENT TO CONSULT.—The
14 Secretary of Homeland Security shall consult
15 with the Secretary of State, the Secretary of
16 the Interior, the Secretary of Agriculture, the
17 Secretary of Transportation, the Administrator
18 of the General Services Administration, and ap-
19 propriate representatives of State and local gov-
20 ernments, and Indian tribes, and property own-
21 ers in the United States before selecting a loca-
22 tion for any new port constructed pursuant to
23 paragraph (1).

24 (B) CONSIDERATIONS.—The purpose of
25 the consultations required under subparagraph

1 (A) shall be to minimize any negative impacts
2 of new ports of entry on the environment, cul-
3 ture, commerce, and quality of life of the com-
4 munities and residents located near such new
5 ports of entry.

6 (b) EXPANSION AND MODERNIZATION OF HIGH-PRI-
7 ORITY BORDER PORTS OF ENTRY.—Not later than Sep-
8 tember 30, 2021, the Secretary of Homeland Security
9 shall modernize the top 10 high-priority ports of entry on
10 the southern border of the United States.

11 (c) PORT OF ENTRY PRIORITIZATION.—The Sec-
12 retary of Homeland Security shall complete the expansion
13 and modernization of ports of entry pursuant to sub-
14 section (b), to the extent practicable, before constructing
15 any new ports of entry pursuant to subsection (a).

16 (d) NOTIFICATION.—

17 (1) NEW PORTS OF ENTRY.—Not later than 15
18 days after determining the location of a new port of
19 entry pursuant to subsection (a), the Secretary of
20 Homeland Security shall submit a report to the enti-
21 ties listed in paragraph (2) that includes—

22 (A) the location of the new port of entry;

23 (B) a description of the need for, and an-
24 ticipated benefits of, the new port of entry;

1 (C) a description of the consultations un-
2 dertaken by the Secretary pursuant to sub-
3 section (a)(2);

4 (D) any actions that will be taken to mini-
5 mize negative impacts of the new port; and

6 (E) the anticipated timeline for completing
7 the construction of the new port of entry.

8 (2) RECIPIENTS.—The entities listed in this
9 paragraph are—

10 (A) the members of Congress that rep-
11 resent the State or congressional district in
12 which the new port of entry will be located;

13 (B) the Committee on Homeland Security
14 and Governmental Affairs of the Senate;

15 (C) the Committee on Finance of the Sen-
16 ate;

17 (D) the Committee on the Judiciary of the
18 Senate;

19 (E) the Committee on Homeland Security
20 of the House of Representatives;

21 (F) the Committee on Ways and Means of
22 the House of Representatives; and

23 (G) the Committee on the Judiciary of the
24 House of Representatives.

1 (3) TOP 10 HIGH-VOLUME PORTS.—Not later
2 than 180 days after the date of the enactment of
3 this Act, the Secretary of Homeland Security shall
4 submit a report to the congressional committees list-
5 ed under paragraph (2) that—

6 (A) lists the top 10 high-volume ports of
7 entry on the southern border of the United
8 States; and

9 (B) the Secretary’s plan for expanding the
10 primary and secondary inspection lanes at each
11 port of entry referred to in subparagraph (A).

12 **SEC. 16. FOREIGN ENGAGEMENT STRATEGY.**

13 (a) IN GENERAL.—Not later than 270 days after the
14 date of the enactment of this Act, the Secretary of State,
15 in coordination with the Secretary of Homeland Security,
16 shall submit a strategy to the congressional committees
17 listed in subsection (c) that describes how the United
18 States Government will—

19 (1) engage with the Government of Mexico and
20 the Government of Guatemala regarding new oppor-
21 tunities for cooperation on Mexico’s border with
22 Guatemala;

23 (2) foster cooperation between Mexican and
24 Guatemalan authorities at high-volume ports of
25 entry to synchronize border security technologies be-

1 tween Mexico and Guatemala to improve border se-
2 curity and trade facilitation; and

3 (3) help modernize infrastructure and tech-
4 nology at ports of entry in Guatemala, including
5 nonintrusive inspection equipment, to more fully
6 automate the inspection process.

7 (b) IMPLEMENTATION.—No later than 1 year after
8 the date of the enactment of this Act, the Secretary of
9 State, in coordination with the Secretary of Homeland Se-
10 curity, shall submit a report to the congressional commit-
11 tees listed in subsection (c) that describes the steps that
12 have been taken to implement the strategy described in
13 subsection (a).

14 (c) RECIPIENTS.—The congressional committees list-
15 ed in this paragraph are—

16 (1) the Committee on Foreign Relations of the
17 Senate;

18 (2) the Committee on the Judiciary of the Sen-
19 ate;

20 (3) the Committee on Foreign Affairs of the
21 House of Representatives; and

22 (4) the Committee on the Judiciary of the
23 House of Representatives.

1 **SEC. 17. DETERRING VISA OVERSTAYS.**

2 (a) ADMISSION OF NONIMMIGRANTS.—Section 214 of
3 the Immigration and Nationality Act (8 U.S.C. 1184) is
4 amended by striking the section designation and heading
5 and all that follows through the end of subsection (a)(1)
6 and inserting the following:

7 **“SEC. 214. ADMISSION OF NONIMMIGRANTS.**

8 “(a) IN GENERAL.—

9 “(1) TERMS AND CONDITIONS OF ADMISSION.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graphs (B) and (C), the admission to the
12 United States of any alien as a nonimmigrant
13 may be for such time and under such conditions
14 as the Secretary may prescribe, in his or her
15 sole and unreviewable discretion, including
16 when the Secretary deems necessary the giving
17 of a bond with sufficient surety in such sum
18 and containing such conditions as the Secretary
19 shall prescribe, to ensure that at the expiration
20 of such time or upon failure to maintain the
21 status under which the alien was admitted, or
22 to maintain any status subsequently acquired
23 under section 248, such alien will depart from
24 the United States.

25 “(B) GUAM OR CNMI VISA WAIVER NON-
26 IMMIGRANTS.—No alien admitted to Guam or

1 the Commonwealth of the Northern Mariana Is-
2 lands without a visa pursuant to section 212(l)
3 may be authorized to enter or stay in the
4 United States, other than in Guam or the Com-
5 monwealth of the Northern Mariana Islands, or
6 to remain in Guam or the Commonwealth of
7 the Northern Mariana Islands for a period ex-
8 ceeding 45 days after the date on which the
9 alien was admitted to Guam or the Common-
10 wealth of the Northern Mariana Islands.

11 “(C) VISA WAIVER PROGRAM NON-
12 IMMIGRANTS.—An alien admitted to the United
13 States without a visa pursuant to section 217
14 shall not be authorized to remain in the United
15 States as a nonimmigrant visitor for a period
16 exceeding 90 days from the date on which the
17 alien was admitted.

18 “(D) BAR TO IMMIGRATION BENEFITS AND
19 TO CONTESTING REMOVAL.—

20 “(i) DEFINED TERM.—In this sub-
21 paragraph, the term ‘good cause’ means
22 extreme exigent humanitarian cir-
23 cumstances, determined on a case-by-case
24 basis only, such as a medical emergency or
25 force majeure.

1 “(ii) CONSEQUENCE OF OVERSTAY.—

2 Subject to clause (iii), except for an alien
3 admitted as a nonimmigrant under sub-
4 paragraph (A)(i), (A)(ii), (G)(i), (G)(ii), or
5 (G)(iii) of section 101(a)(15) or as a
6 NATO–1, 2, 3, 4, 5, or 6 nonimmigrant,
7 any alien who remains in the United
8 States for a period of more than 30 days
9 after the date on which the period of stay
10 or parole authorized by the Secretary for
11 the alien ends, without good cause, is inad-
12 missible and ineligible for all immigration
13 benefits or relief available under the immi-
14 gration laws, including relief under sec-
15 tions 240A(b)(1), 240B(b), 245, 248, and
16 249, other than—

17 “(I) asylum;

18 “(II) relief as a victim of traf-
19 ficking under section 101(a)(15)(T);

20 “(III) relief as a victim of crimi-
21 nal activity under section
22 101(a)(15)(U);

23 “(IV) relief under the Violence
24 Against Women Act of 1994 (42
25 U.S.C. 13701 et seq.) as a spouse or

1 child who has been battered or sub-
2 jected to extreme cruelty;

3 “(V) relief as a battered spouse
4 or child under section 240A(b)(2);

5 “(VI) withholding of removal
6 under section 241(b)(3); or

7 “(VII) protection from removal
8 based on a claim under the Conven-
9 tion Against Torture and Other Cruel,
10 Inhuman or Degrading Treatment or
11 Punishment, done at New York, De-
12 cember 10, 1984.

13 “(iii) EXCEPTION.—The Secretary
14 may, in the Secretary’s sole and
15 unreviewable discretion, determine that a
16 nonimmigrant is not subject to clause (ii)
17 if—

18 “(I) the alien was lawfully in-
19 spected and admitted to the United
20 States as a nonimmigrant;

21 “(II) the alien filed a nonfrivo-
22 lous application for change of status
23 to another nonimmigrant category or
24 for an extension of stay before the
25 date on which the alien’s authorized

1 period of stay as a nonimmigrant ex-
2 pired;

3 “(III) the alien has not been em-
4 ployed without authorization in the
5 United States, before or during pend-
6 ency of the application referred to in
7 subclause (II);

8 “(IV) the alien has not otherwise
9 violated the terms of the alien’s non-
10 immigrant status; and

11 “(V) the Secretary, in the Sec-
12 retary’s sole and unreviewable discre-
13 tion, determines that the alien is not
14 a threat to national security or public
15 safety.

16 “(iv) DETENTION AND EXPEDITED
17 REMOVAL.—An alien described in clause
18 (ii) who remains in the United States more
19 than 30 days after the date on which the
20 period of stay authorized by the Secretary
21 ends, without good cause, shall be detained
22 and the Secretary shall expeditiously re-
23 move the alien from the United States not
24 later than 90 days after the date on which
25 the alien is detained.

1 “(v) LIMITATION ON JUDICIAL RE-
2 VIEW.—Notwithstanding any other provi-
3 sion of law (statutory or nonstatutory), in-
4 cluding section 2241 of title 28, United
5 States Code, any other habeas corpus pro-
6 vision, or sections 1361 and 1651 of such
7 title, no court shall have jurisdiction to re-
8 view any cause or claim, arising from, or
9 relating to, the detention and expedited re-
10 moval of an alien pursuant to clause (iv).”.

11 (b) VISA WAIVER PROGRAM WAIVER OF RIGHTS.—
12 Section 217(b) of the Immigration and Nationality Act (8
13 U.S.C. 1187(b)) is amended to read as follows:

14 “(b) WAIVER OF RIGHTS.—An alien may not be pro-
15 vided a waiver under the program unless the alien has—

16 “(1) signed, under penalty of perjury, an ac-
17 knowledgegment confirming that the alien was notified
18 and understands that he or she will be—

19 “(A) ineligible for any form of relief or im-
20 migration benefit under the Act or any other
21 immigration laws, including sections
22 240A(b)(1), 240B(b), 245, 248, and 249 (other
23 than a request for asylum), relief as a victim of
24 trafficking under section 101(a)(15)(T), relief
25 as a victim of criminal activity under

1 101(A)(15)(U), relief under the Violence
2 Against Women Act of 1994 (42 U.S.C. 13701
3 et seq.) as a spouse or child who has been bat-
4 tered or subjected to extreme cruelty, relief as
5 a battered spouse or child under section
6 240A(b)(2), withholding of removal under sec-
7 tion 241(b)(3), or protection from removal
8 based on a claim under the Convention Against
9 Torture and Other Cruel, Inhuman or Degrad-
10 ing Treatment or Punishment, done at New
11 York, December 10, 1984; and

12 “(B) subject to detention and expedited re-
13 moval from the United States, if the alien fails
14 to depart from the United States at the end of
15 the 90-day period for admission;

16 “(2) waived any right to review or appeal under
17 this Act of an immigration officer’s determination as
18 to the admissibility of the alien at the port of entry
19 into the United States; and

20 “(3) waived any right to contest any action for
21 removal of the alien.”.

22 (c) DETENTION AND REPATRIATION OF VISA WAIV-
23 ER VIOLATORS.—Section 217(c)(2)(E) of the Immigration
24 and Nationality Act (8 U.S.C. 1187(c)(2)(E)) is amended
25 to read as follows:

1 “(E) DETENTION AND REPATRIATION OF
2 ALIENS.—Any alien who fails to depart from
3 the United States at the end of the 90-day pe-
4 riod for admission shall be detained pending re-
5 moval.”.

6 (d) ISSUANCE OF NONIMMIGRANT VISAS.—Section
7 221(a) of the Immigration and Nationality Act (8 U.S.C.
8 1201(a)) is amended by adding at the end the following:

9 “(3) The Secretary of State shall ensure that every
10 application for a nonimmigrant visa includes an acknowl-
11 edgment, executed by the alien under penalty of perjury,
12 confirming that the alien—

13 “(A) has been notified of the terms and condi-
14 tions of the nonimmigrant visa, including the waiver
15 of rights under subsection (j); and

16 “(B) understands that he or she will be ineli-
17 gible for all immigration benefits and any form of
18 relief or protection from removal, including relief
19 under sections 240A(b)(1), 240B(b), 245, 248, and
20 249, other than a request for asylum, relief as a vic-
21 tim of trafficking under section 101(a)(15)(T), relief
22 as a victim of criminal activity under
23 101(A)(15)(U), relief under the Violence Against
24 Women Act of 1994 (42 U.S.C. 13701 et seq.) as
25 a spouse or child who has been battered or subjected

1 to extreme cruelty, relief as a battered spouse or
2 child under section 240A(b)(2), withholding of re-
3 moval under section 241(b)(3), or protection from
4 removal based on a claim under the Convention
5 Against Torture and Other Cruel, Inhuman or De-
6 grading Treatment or Punishment, done at New
7 York, December 10, 1984, and from contesting re-
8 moval if the alien violates any term or condition of
9 his or her nonimmigrant visa or fails to depart the
10 United States not later than 30 days after the end
11 of the alien's authorized period of stay.”.

12 (e) BARS TO IMMIGRATION RELIEF.—Section 221 of
13 the Immigration and Nationality Act (8 U.S.C. 1201) is
14 amended by adding at the end the following:

15 “(j) WAIVER OF RIGHTS.—The Secretary of State
16 may not issue a nonimmigrant visa under section 214 to
17 an alien (other than an alien who qualifies for a visa under
18 subparagraph (A) or (G) of section 101(a)(15), who is eli-
19 gible for relief under the Violence Against Women Act of
20 1994 (42 U.S.C. 13701 et seq.) as a spouse or child who
21 has been battered or subjected to extreme cruelty, or
22 qualifies for a visa as a NATO–1, 2, 3, 4, 5, or 6 non-
23 immigrant) until the alien has waived any right to relief
24 under sections 240A(b)(1), 240B(b), 245, 248, and 249
25 (other than relief from removal under section 241(b)(3)

1 or protection from removal based on a claim under the
2 Convention Against Torture and Other Cruel, Inhuman or
3 Degrading Treatment or Punishment, done at New York,
4 December 10, 1984), any form of relief established after
5 the date on which the nonimmigrant visa is issued, and
6 from contesting removal if the alien—

7 “(1) violates a term or condition of his or her
8 nonimmigrant status; or

9 “(2) fails to depart the United States not later
10 than the date that is 30 days after last day of the
11 alien’s authorized period of stay (as described in sec-
12 tion 214(a)(1)).”.

13 (f) REQUIREMENT THAT ALL NONIMMIGRANTS
14 HAVE A SPECIFIED AUTHORIZED PERIOD OF STAY END
15 DATE.—Section 235(a) of the Immigration and Nation-
16 ality Act (8 U.S.C. 1225(a)) is amended by adding at the
17 end the following:

18 “(6) PERIOD OF STAY.—Any alien who an ex-
19 amining immigration officer has determined to be
20 admissible as a nonimmigrant, except for aliens who
21 are admissible under subparagraph (A)(i), (A)(ii),
22 (G)(i), (G)(ii), or (G)(iii) of section 101(a)(15), or
23 who such officer has determined to be eligible for
24 parole—

1 “(A) shall be admitted or paroled, as ap-
2 propriate, into the United States for a specific
3 period; and

4 “(B) shall be issued documentation stating
5 the end date of the alien’s period of stay in the
6 United States.”.

7 (g) EFFECTIVE DATE; APPLICABILITY.—

8 (1) IN GENERAL.—This section and the amend-
9 ments made by this section shall—

10 (A) take effect on the date of enactment of
11 this Act; and

12 (B) apply only to new visas, initial admis-
13 sions of nonimmigrants, and initial requests for
14 change of status from a nonimmigrant category
15 to another nonimmigrant category under sec-
16 tion 248 of the Immigration and Nationality
17 Act (8 U.S.C. 1258).

18 (2) PREVIOUSLY ADMITTED INDIVIDUALS.—An
19 individual previously admitted to the United States
20 on a nonimmigrant visa who is present in the United
21 States before the date of the enactment of this Act
22 shall not be subject to this section or to the amend-
23 ments made by this section until the alien departs
24 from the United States or requests a change of non-

- 1 immigrant classification under section 248 of the
- 2 Immigration and Nationality Act (8 U.S.C. 1258).